

amount realized from the sale of same. All money so received by the director shall be retained by the director until paid to the owner of the estray. If, after the expiration of one (1) year from date of such sale no claim is made, said money shall be paid to the State Treasurer and by him credited to the Department of Agriculture fund to be expended in carrying out the provisions of this act.

SEC. 6. That section 15 of chapter 75 of the Session Laws of 1937 be amended to read as follows:

Amends  
§ 15, ch. 75,  
Laws 1937.

Section 15. Any person or persons found guilty of violating any of the provisions of this act and of chapter 156 of the Session Laws of 1935 shall be punished as prescribed by law for such offense and any person or persons who shall fail to perform any of the mandatory duties required by these acts shall be guilty of a misdemeanor.

Penalty.

Passed the House March 7, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 17, 1939.

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## CHAPTER 199.

[H. B. 227.]

### WASHINGTON STATE HONEY ACT.

AN ACT to regulate the sale, transportation, loading, packing, marketing and disposal of honey; to prevent fraud and deception therein; giving authority to the Director to establish standards for honey; providing for a Washington state honey seal and its use; providing means of enforcement; and providing penalties.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. This act may be known and cited as the Washington State Honey Act.

Short title.

SEC. 2. The term "director" means the Director of Agriculture of the State of Washington or his duly authorized representative.

"Director."

- "Container." SEC. 3. The term "container" shall mean any box, crate, chest, carton, barrel, keg, bottle, jar, can or any other receptacle containing honey.
- "Sub-container." SEC. 4. The term "sub-container" shall mean any section box or other receptacle used within a container.
- "Section box." SEC. 5. The term "section box" shall mean the wood or other frame in which bees have built a small comb of honey.
- "Clean and sound containers." SEC. 6. The term "clean and sound containers" shall mean containers which are virtually free from rust, stains or leaks.
- "Pack." SEC. 7. The term "pack," "packing," or "packed" shall mean the arrangement of all or part of the sub-containers in any container.
- "Label." SEC. 8. The term "label" shall mean a display of written, printed or graphic matter upon the immediate container of any article.
- "Person." SEC. 9. The term "person" includes individual, partnership, corporation and/or association.
- "Slack filled." SEC. 10. The term "slack filled" shall mean that the contents of any container occupy less than ninety-five per cent (95%) of the volume of the closed container.
- "Deceptive arrangement." SEC. 11. The term "deceptive arrangement" shall mean any lot or load, arrangement or display of honey which has in any exposed surface, honey which is so superior in quality, appearance or condition, or in any other respects, to any of that which is concealed or unexposed as to materially misrepresent any part of the lot, load, arrangement or display.
- "Mis-labeled." SEC. 12. The term "mis-labeled" shall mean the placing or presence of any false or misleading statement, design or device upon, or in connection with, any container or lot of honey, or upon the label,

lining or wrapper of any such container, or any placard used in connection therewith, and having reference to such honey. A statement, design or device is false and misleading when the honey to which it refers does not conform in every respect to such statement.

SEC. 13. The term "placard" means any sign, label or designation, other than an oral designation, used with any honey as a description or identification thereof. "Placard."

SEC. 14. The term "honey" as used herein is the nectar of floral exudations of plants, gathered and stored in the comb by honey bees (*apis mellifica*). It is laevo-rotatory, contains not more than twenty-five per cent (25%) of water, not more than twenty-five one-hundredths of one per cent of ash, not more than eight per cent (8%) of sucrose, its specific gravity is 1.412, its weight not less than eleven (11) pounds twelve (12) ounces per standard gallon of 231 cubic inches at sixty-eight (68) degrees Fahrenheit. "Honey."

SEC. 15. The term "comb-honey" means honey which has not been extracted from the comb. "Comb-honey."

SEC. 16. The term "extracted honey" means honey which has been removed from the comb. "Extracted honey."

SEC. 17. The term "crystallized honey" means honey which has assumed a solid form due to the crystallization of one or more of the natural sugars therein. "Crystallized honey."

SEC. 18. The term "honeydew" is the saccharine exudation of plants, other than nectareous exudations, gathered and stored in the comb by honey bees (*apis mellifica*) and is dextro-rotatory. "Honeydew."

SEC. 19. The term "foreign material" means pollen, wax particles, insects, or materials not deposited by bees. "Foreign material."

"Foreign honey."

SEC. 20. The term "foreign honey" means any honey not produced within the continental United States.

"Marked."

SEC. 21. The term "marked" shall mean printed in the English language on the top, front or side of any container containing honey: *Provided*, That it shall not be necessary to mark honey sold by the producer thereof to any distributor, packer or manufacturer with the net weight, color or grade if the honey is to be used in the manufacture of honey products or is to be graded and packaged by the distributor or packer for resale.

"Adulterated honey."

SEC. 22. The term "adulterated honey" means any honey to which has been added honeydew, glucose, dextrose, molasses, sugar, sugar sirup, invert sugar, or any other similar product or products, other than the nectar of floral exudations of plants gathered and stored in the comb by honey bees.

"Serious damage."

SEC. 23. The term "serious damage" means any injury or defect that seriously affects the edibility or shipping quality of the honey.

Director to adopt and promulgate regulation of grades and standards of quality.

SEC. 24. The director is hereby authorized, and it shall be his duty, upon the taking effect of this act and from time to time thereafter, to adopt, establish and promulgate reasonable rules and regulations specifying grades or standards of quality governing the sale of honey: *Provided*, That, in the interest of uniformity, such grades and standards of quality shall conform as nearly to those established by the United States Department of Agriculture as local conditions will permit.

Unlawful acts.

SEC. 25. It shall be unlawful for any person to violate any rule or regulation promulgated by the director under the provisions of this act.

SEC. 26. It shall be unlawful for any person to sell, offer or intend for sale any adulterated honey as honey.

SEC. 27. It shall be unlawful for any person to sell, offer or intend for sale any honey which does not conform to the provisions of this act or any regulation promulgated by the director under this act.

SEC. 28. The director or any of his duly authorized agents shall have the power to enter and inspect at reasonable times every place, vehicle, plant or other place where honey is being produced, stored, packed, transported, exposed, or offered for sale, and to inspect all such honey and the containers thereof and to take for inspection such samples of said honey as may be necessary. Inspection.

SEC. 29. The director is hereby empowered, through his duly authorized agents, to enforce all provisions of this act. The director shall have the power to define, promulgate and enforce such reasonable regulations as he may deem necessary in carrying out the provisions of this act. Enforcement of act and regulations.

SEC. 30. Possession by any person, of any honey which is sold, exposed or offered for sale in violation of this act shall be prima facie evidence that the same is kept or shipped to the said person, in violation of the provisions of this act. Evidence of violation of act.

SEC. 31. The director is hereby authorized to seize upon and to take into his possession such honey and thereupon apply to the superior court of the county in which said honey is seized for an order directing them to dispose of or sell the same and apply the proceeds of the same to the general fund: *Provided, however,* That the director shall first give notice to the person in whose possession such goods are found, or, if in the possession of a common carrier, then the consignee of such honey, Seizure of honey.

notifying such person that he has seized such honey, and the reasons therefor, and that he has made an application to the superior court for an order to sell or dispose of the same, and that he will call up said application for hearing on a day certain, which shall not be less than ten (10) days from the service of such notice, and that at the hearing of said application the said person shall show cause, if any he has, why the prayer of the petition should not be granted. Upon the hearing of said petition, the affidavits or oral testimony may be introduced to show the contention of the respective parties. Hearing, however, may be had at an earlier date by mutual consent of the parties to said application.

Markings  
required on  
container.

SEC. 32. It shall be unlawful to deliver for shipment, ship, transport, sell, expose or offer for sale any containers or sub-containers of honey within this state unless they shall be conspicuously marked with the name and address of the producer or distributor, the net weight of the honey, the grade of the honey, and, if imported from any foreign country, the name of the country or territory from which the said honey was imported, or if a blend of honey, any part of which is foreign honey, the container must be labeled with the name of the country or territory where such honey was produced and the proportion of each foreign honey used in the blend.

Warning tag.

SEC. 33. It shall be unlawful to move any honey or containers of honey to which any warning tag or notice has been affixed except under authority from the director.

Floral types.

SEC. 34. Any honey which is a blend of two or more floral types of honey shall not be labeled as a honey product from any one particular floral source alone.

SEC. 35. When any markings are used or required to be used under this act on any container

of honey to identify the container or describe the contents thereof, such markings must be plainly and conspicuously marked, stamped, stenciled, printed, labeled or branded in the English language, in letters large enough to be discernible by any person, on the front, side or top of any container.

Markings on container must be conspicuous.

SEC. 36. Any slack filled container shall be conspicuously marked "slack filled".

Slack filled.

SEC. 37. It shall be unlawful to sell, offer, or expose for sale to the consumer any honey in any second hand or used containers which formerly contained honey, unless all markings as to grade, name and weight have been obliterated, removed or erased.

Used containers.

SEC. 38. The director is hereby authorized, and it shall be his duty, to provide and make available a suitable gummed paper seal to be known as the Washington state honey seal which shall be placed upon the container in such manner that it will be in a conspicuous place and if possible, in such manner that said seal will be destroyed when the container is opened for consumption. The director shall have the power from time to time to establish the price at which said seal shall be sold, but in no case shall the cost of such seal exceed the following prices:

State honey seal.

(a) In the case of all honey other than comb honey:

Containers of honey up to and including 8 ounces, net weight—1 mill.

Containers of honey 9 to 16 ounces inclusive, net weight—2 mills.

Containers of honey over 16 ounces, net weight—2 mills per pound or fraction thereof.

(b) In the case of comb honey:

2 mills per commercial comb.

The proceeds from the sale of such seals shall be expended by the director to assist in defraying salaries and expenses incurred in the administration

of this act and of chapter 59, Laws Extraordinary Session, 1933 (section 3170-1 to 3170-12 inclusive, Remington's Revised Statutes).

Notification to purchasers of grade and quality.

SEC. 39. It shall be unlawful for any person to deliver, sell, offer or expose for sale any honey for human consumption within the State of Washington without notifying the person or persons purchasing or intending to purchase the same, of the exact grade or quality of such honey, according to the standards prescribed by the director, by stamping or printing on the container of any such honey such grade or quality, and without placing a Washington state honey seal upon each container in which honey is sold, delivered, offered, or exposed for sale at retail. The provisions of this section shall not apply to a person selling honey of his own production except when sold, offered, or exposed for sale at retail to the consumer: *Provided*, That this act shall not affect the sale of honey by the producers when the consumer purchases said honey at the place of production.

Unlawful to simulate or alter identification device.

SEC. 40. It shall be unlawful to forge, counterfeit, simulate, falsely represent or alter without proper authority any mark, stamp, tag, label, seal, sticker or other identification device provided by this act: *Provided*, That it shall be the duty of any person opening for use a container of any honey to destroy the seal attached under the provision of section 39.

Destruction of identification device issued by director.

SEC. 41. It shall be unlawful to mutilate, destroy, obliterate, or remove without proper authority, any mark, stamp, tag, label, seal, sticker or other identification device used by the director under the provisions of this act.

Penalty.

SEC. 42. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon violation thereof shall be punishable by a fine of not more than five hundred dollars

(\$500) or imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment.

SEC. 43. It shall be the duty of the director to enforce this act and to appoint and employment [employ] such inspectors as may be necessary therefor. The director shall notify the Prosecuting Attorneys for the counties of the state of violations of this act occurring in their respective counties, and it shall be the duty of the respective Prosecuting Attorneys immediately to institute and prosecute proceedings in their respective counties and to enforce the penalties provided for by this act.

Enforcement  
of act.

SEC. 44. Any rules or regulations promulgated and published by the director under the provisions of this act shall have the force and effect of law.

Rules to  
have force  
and effect  
of law.

SEC. 45. If any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances, shall not be affected thereby. If any section, sub-section, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact than any one or more of the other sections, sub-sections, sentences, clauses and phrases be declared unconstitutional.

Partial  
invalidity.

SEC. 46. That chapter 37 of the Laws of 1933 (section 6163-1 to section 6163-22 inclusive of Remington's Revised Statutes; sections 2555-31 to 2555-52 inclusive of Pierce's Code) shall be and the same are hereby repealed.

Repeal.

Passed the House March 2, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 17, 1939.